IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2381 OF 2007

The State of Maharashtra ..Applicant
Vs.
Shaikh Chand Shaikh Lal & Ors. ..Respondents

Dr.F.R.Shaikh, Addl.P.P. for the Applicants.
None for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI,JJ.
DATE : 12TH OCTOBER,2007.

P.C.

1. Heard the learned Addl.P.P. for the State.

This is an Application against the acquittal with regard to the offence punishable under Section 302 and 498-A read with 34 of the Indian Penal Code. We have perused the Trial Court Judgment dated 30th March,2007. The learned Judge, in paragraph 19 has observed that the C.A. report does not help the Prosecution. Over and above, the entire case is based on four dying declarations, which are inconsistent with each other. It appears that the available eye witness have not been examined without any explanation. Under the aforesaid facts and circumstances of the case, the learned Judge has given a benefit of doubt to the Respondent accused. We do not find anything erroneous or illegal in the judgment to grant leave to file Appeal. Application stands dismissed. Hence, the Appeal also stands dismissed.

(S.C.DHARMADHIKARI,J.) **(DR.S.RADHAKRISHNAN,J.)**